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09/663,069	09/15/2000	Anandakumar Varatharajah	A-69227/MAK/LM 3198		
30636 7590 12/18/2006 FAY KAPLUN & MARCIN, LLP			EXAMINER		
150 BROADWAY, SUITE 702 NEW YORK, NY 10038			GARG, YO	GARG, YOGESH C	
			ART UNIT	PAPER NUMBER	
		3625			
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SHORTENED STATUTORY PER	RIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
Office Action Summary	09/663,069	VARATHARAJAH, ANANDAKUMAR				
omoo nodon ounmary	Examiner	Art Unit				
	Yogesh C. Garg	3625				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 10/12	2/2006 & 9/5/2006.	•				
2a) ☐ This action is FINAL . 2b) ☑ This	This action is FINAL. 2b)⊠ This action is non-final.					
3) Since this application is in condition for allowar						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1,2,5-10 and 12-19</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-2,5-10,12-19</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers	•					
9) The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) acce	epted or b) objected to by the l	Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	∍ 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
Copies of the certified copies of the prior	ity documents have been receive	ed in this National Stage				
application from the International Bureau	• • • • • • • • • • • • • • • • • • • •					
* See the attached detailed Office action for a list of	of the certified copies not receive	ed.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P					
Paper No(s)/Mail Date	6) Other:	••				

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/2006 has been entered.

Response to Amendment

- 2.1. In the Applicant's amendment received on 9/5/2006 claims 1, 5, 7-9, and 12-19 are currently amended. Currently claims 1,2,5-10 and 12-19 are pending for examination.
- 2.2. The applicant has argued that same arguments as applicable to claim 1 are applicable for claim 16. The examiner does not agree because claim 1 has currently added limitation, such "receiving a user authorization for a group of people to remotely review the list" and is not recited in claim 16. Further, the applicant's arguments, that Ogasawara does not allow "retrieving the electronic receipt for a consumer and allowing the consumer to remotely select a user selection of a line item from the transaction record, thereby creating a review list stored on the data farm". The examiner respectfully disagrees.

Response to Arguments

3.1. Applicant's arguments (see Remarks, pages 6-11) filed on 9/5/2006 with respect to rejection of claims 1-2, 5-10, 12-15, and 18-19 under 35 USC 102(e) have been considered but are most in view of the new grounds of rejection necessitated due to current amendments.

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3.2. The applicant argues, see page 6, last paragraph -page 7, first paragraph that as per claim 1, a consumer purchases a product via a website of an e-merchant and after the purchase, the e-merchant may forward a record of the purchase and then at a time subsequent to the purchase and from a remote location the consumer may view the electronic receipt in detail, select one or more items and create a review list. The examiner respectfully disagrees. See at least Fig.1, col.4, lines 26-58. The user can access remotely stored electronic receipts related to previous purchase transactions in the retail facility's web server and then can select line items from those remotely stored electronic receipts. In order to select the line item the user computer device receives the downloaded data on the user computer device thus allowing the user to select any line item. The claims 1, 9, 16 and 18 do not recite that the selection of line items from the retrieved electronic receipts is done without downloading the electronic receipt data on the user computer device. Therefore, Ogasawara's prior art reads on the limitation that is receiving on user computer device, a user selection of a line item from a electronic receipt stored on a remotely located data farm (corresponds to any memory in a remote facility, such as retailer's web server, storing the electronic receipts or previous purchase transactions). The step of modifying an existing list of the electronic receipt resulting into a new list, that is the "expired date list" in Ogasawara, reads on the limitation recited in claim 1, that is "thereby forming an electronic/review list".

The applicant argues, see Remarks, page 7, that the intended use in Ogasawara is different from that of his intended use because in Ogasawara the new list is created for the items with expiration dates and whereas in the applicant case a new review list is formed due to including user determined interest. In response to the applicant's argument:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., " a new

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review list is formed including user determined interest ") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Secondly, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). Thirdly, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

In view of the foregoing, the rejection of claims is sustainable.

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5.1. Claims 1-2, 5-8, 14-15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, the newly added limitation in claim 1, "transmitting the selection to the data farm" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Since claims 2, 5-8, 14-15 are dependencies of claim 1 they also inherit the same deficiency. As is evident from the Fig.3 in the applicant's application the items are selected and stored with the shopping service provider terminal "150" and not with the data farm.

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The claim(s) contains subject matter, the newly added limitation in claim 5, " receiving at one of a consumer and a shopping-service coupled to the data farm, an order selection from the one of the group of people for the first line item" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Further, it is neither clear nor explained in the applicant's disclosure the step of receiving an order on the consumer terminal from one of the group of people. As best understood by the examiner the shopping service provider, SSP "150" can receive the purchase order for a selected item from the review list. Note: Claims 1-2, 5-8, 14-15 would be further treated on merits in light of the above 35 U.S.C. 112, first paragraph rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogasawara US Patent (6,327,576).

Regarding claim 16, Ogasawara discloses a system for manipulating receipt data, the system comprising:

a first e-merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction (see at least Fig.1, col.3, line 22-col.4, line 5 where the store web server "20" which stores a program, corresponding to first e-merchant, to generate an electronic receipt 18 including a record of a purchase transaction);

a data farm stored in a memory coupled to the first e-merchant and configured to store the electronic receipt (see at least Fig.1, col.4, lines 26-58. The memory storage area "22" of the web server corresponds to the claimed data farm);

a shopping service stored in a second computing device coupled to the data farm and configured to retrieve the electronic receipt for a consumer and allow the consumer to remotely select a line item from said transaction record, thereby creating a review list stored on the data farm (See at least Fig.1, col.4, lines 26-58. The user can access remotely stored electronic receipts related to previous purchase transactions in the retail facility's web server and then can select line items from those remotely stored electronic receipts. In order to select the line item the user computer device receives the downloaded data on the user computer device thus allowing the user to select any line item. The claims 1, 9, 16 and 18 do not recite that the selection of line items from the retrieved electronic receipts is done without downloading the

electronic receipt data on the user computer device. Therefore, Ogasawara's prior art reads on the limitation that is receiving on user computer device, a user selection of a line item from a electronic receipt stored on a remotely located data farm (corresponds to any memory in a remote facility, such as retailer's web server, storing the electronic receipts or previous purchase transactions). The step of modifying an existing list of the electronic receipt resulting into a new list, that is the "expired date list" in Ogasawara, reads on the limitation recited in claim 1, that is "thereby creating a review list".).

Regarding claim 17, Ogasawara further discloses a second e-merchant stored in a third computing device coupled to the data farm and operable to generate a second electronic receipt, wherein the second electronic receipt includes a record of a second purchase transaction, the data farm further configured to store the electronic receipt; and the shopping service further operable to retrieve the first and second electronic receipts (see at least Fig.1, col.4, lines 26-58 which discloses that the home terminal "24" can be connected to any number of store servers "14", which correspond to e-merchant programs stored in different computing devices belonging to different stores and generating electronic receipts for purchases made in those stores and then these electronic receipts are stored in the memory space "22" of the web server "20" which can be connected to a plurality of store servers "14". The web server "20" corresponds to a service provider "150" in the applicant's invention, see Fig.1.).

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.1. Claims 1-2, 6-8, 14-15, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara US Patent (6,327,576).

Regarding claim 1, Ogasawara discloses a method for manipulating receipt data, the method comprising:

Receiving, on a user computing device, a user selection a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of the first purchase transaction, (see at least Fig.1, col.4, lines 26-58. The user can access remotely stored electronic receipts related to previous purchase transactions in the retail facility's web server and then can select line items from those remotely stored electronic receipts. In order to select the line item the user computer device receives the downloaded data on the user computer device thus allowing the user to select any line item. The claims 1, 9, 16 and 18 do not recite that the selection of line items from the retrieved electronic receipts is done without downloading the electronic receipt data on the user computer device. Therefore, Ogasawara's prior art reads on the limitation that is receiving on user computer device, a user selection of a line item from a electronic receipt stored on a remotely located data farm (corresponds to any memory in a remote facility, such as retailer's web server, storing the electronic receipts or previous purchase transactions). The step of modifying an existing list of the electronic receipt resulting into a new list, that is the "expired date list" in Ogasawara, reads on the limitation recited in claim 1, that is "thereby forming an electronic list". Also, see col.9, line 17-col.12, line 65 and figs. 3 and 4);

transmitting the selection to the data farm and storing the list on the data farm (see at least col.9, line 17-col.12, line 65 and figs. 3-6. Fig.4 discloses an exemplary electronic

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receipt including a record of a purchase transaction and from this electronic receipt any number of line items can be selected manually by the user, see col.12, lines 1-9. After selecting the line item(s) a separate list that is "expiration date list" is formed and is transmitted and stored into a data farm (see col.7, lines 24-47 an, "expiration database" as suggested in Fig.3).

Ogasawara further teaches reviewing the list made, that is reviewing the "expired date list" to know which of the listed items would be expiring and when. Since the embodiment described in Ogasawara uses a home terminal there may not be a need to authorize the reviewing of the list by others hence Ogasawara does not teach explicitly receiving an authorization for a group of people to remotely review the list. Nevertheless, Ogasawara does teach that his invention can be used commercially, besides at home, in such places such as restaurants, pharmacies, hospitals and the like to prepare expired date lists for foods and medicines (see col.14, lines 33-51). It would be obvious to one of an ordinary skilled in the art that in public places such as restaurants and hospitals the user would be an operator or administrator or a supervisor or manager who would generate the "expired date lists" but they may be viewed by other colleagues, such as from the purchasing department, to place orders to replenish the expired items in time and for doing so it would be necessary to authorize them by allowing them to use a particular password (see col.9, lines 25-32. Ogasawara discloses using appropriate password to access the electronic receipts) so to limit the access/reviewing of the "expired date list" by the concerned employees only of the restaurant/hospital and to stop others from accessing it and tampering/meddling with it.

Regarding claims 2 & 6, Ogasawara discloses reviewing the list, the reviewing performed by one of the group of people and also commenting on the list (see at least col.12, lines 45-59. Once this list as shown in Fig.6 is created it can be displayed on the home terminal

screen by depressing the button "List", that is key 82 and can be viewed at home by any one of the family group living in that home. Also, as further explained in claim 1 in public places such as restaurants and hospitals the newly created review list, that is "expired date list" will be subject to viewing by other employees of the establishment to take further actions such as ordering items. Further, on viewing the list the viewers can comment which of the items are expired and which items are nearing expiry, as shown in Fig.7 and also .).

Regarding claim 7, Ogasawara discloses receiving, on the user computer device, a user selection of a second line item from the first electronic receipt and adding that the second line item to the list (see at least Figs. 4 and 6 and col.11, lines 13-37 which disclose that one can select any number of items from an electronic receipt and add it to the list).

Regarding claims 8 and 14-15, Ogasawara further discloses receiving, on the user computer device, a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a second purchase transaction and adding that the second line item to the list ,generating the first electronic receipt as a result of a first purchase transaction at a first merchant and generating the second electronic receipt as a result of a second purchase transaction at a second merchant (col.4, lines 26-39 and col.11, line 62-col.12, line 9 which disclose selecting items from several electronic receipts, which include records of purchases and adding those items to a current list from different store servers "14". The store servers "14" represent a plurality of merchants, see at least Fig.1, col.4, lines 26-58 which discloses that the home terminal "24" can be connected to any number of store servers "14", which correspond to e-merchant programs stored in different computing devices belonging to different stores and generating electronic receipts for purchases made in those

stores and then these electronic receipts are stored in the memory space "22" of the web server "20" which can be connected to a plurality of store servers "14". The web server "20" corresponds to a service provider "150" in the applicant's invention, see Fig.1).

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Regarding claims 18-19, their limitations are already covered in claims 1-2, 5, 7, 8, 14-15, and are therefore analyzed and rejected on the same basis.

7.2. Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Ogasawara and in view of Official Notice.

Regarding claim 5, in claim 1, it was analyzed that the review list, that is "the expired date list" for food and medicines, created in Ogasawara can be further reviewed by other employees to place orders for replenishing the expired or to be expired items on the employees to place orders for replenishing the expired or to be expired items on the emerchants being represented by "14. Ogasawara does not disclose receiving an order selection from the one of the group of people at one of a consumer and a shopping service coupled to the data farm. The examiner takes Official Notice of the notoriously well-known fact of placing an order to replenish the used up inventory and, therefore, in view of the Official Notice, it would be obvious to one of an ordinary skill in the art to have placed orders for line items on the list which are expiring shortly or have expired to replenish them as they would be required for consumption at home and these orders can be placed via web on the web server "20" coupled to the data farm "22" or on the store servers "14" which are also coupled to the data farm "20", see Fig.1.

7.3. Claims 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being obvious over Ogasawara in view of Kraemer.

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Regarding claims 9-10 and 12, Ogasawara teaches a method for purchasing goods, including services, from multiple merchants, the method comprising:

receiving, on user computing device, a user's selections of first and second goods for purchase on respective first and second web sites, generating an electronic receiptfirst and second goods; and storing the electronic receipt....retrieve the line items, and retrieving, using the ... user computer device, the electronic receipt(Ogasawara fairly suggests, teaches and renders obvious all these limitations, as already covered while analyzing claims 1-2, 5, 7-8 and 14-19 above).

Ogasawara does not explicitly disclose receiving payment for the first and second goods through the second website with one transaction from a user's perspective, wherein the step of paying comprises automatically placing first and second orders for the first and second goods with the respective first and second websites. However, in the same field of endeavor, Kraemer teaches these limitations. (see at least Kraemer col.7, lines 35-43, "The method of the present invention may be used to devise a multi-retailer shopping cart, whereby the user can accumulate multiple products from independent retailers within a single virtual shopping cart. The user may select a "Purchase all products" within the toolbox to submit their credit card and contact information to all the retailers, for all the products within their shopping cart, all at once. Purchasing multiple products from multiple retailers all at once significantly increases convenience for the user. ". Note: Since the user is allowed to purchase from a plurality of websites and if he is purchasing from two different websites then he would inherently close his purchase transaction at the second website and by selecting the button, "Purchase all products" he checks out at the second website which inherently includes the payment as well for the products and the orders are placed on the first and second websites belonging to first and second vendors. Kraemer also teaches creating an electronic record of the selected goods and

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retrieving an electronic record of the first and second orders, see at least col.5, line 25-col.6, line 63, which discloses, as analyzed above for claims 1-2, 5, 7-8 and 14-19, that items selected by the gift-recipient from a web-page of one vendor are added to the items listed from another web-page of another vendor to form a gift registry list and this registry list is retrieved by the purchaser to view the items. Note: Electronic record corresponds to the list for products, that is gift-registry formed by the gift-recipient).

In view of Kraemer, it would be obvious to one of an ordinary skilled in the art to incorporate the feature of receiving payment for the first and second goods through the second website with one transaction from a user's perspective, wherein the step of paying comprises automatically placing first and second orders for the first and second goods with the respective first and second websites because to allow the customers to make payments while making purchases online and close the purchase transactions.

7.4. Claim 13 is rejected under 35 U.S.C. 103(a) as being obvious over Ogasawara in view of Kraemer and further in view of the article posted on Internet, "End-to-End Enterprise Solution: Extending the Reach of Retail Stores Through Point-of-Sale Web Technology" (December 1999 on website http://java.sun.com/features/1999/12/atpos..html).

Regarding claim 13, Kraemer further teaches viewing an advertisement (see at least col.3, line 53-col.4, line 7, " Toolbar 150 provides enhanced functionality, such as services "Purchase this product" or "Register this product." Toolbar 150 may also provide other general functions such as "Home" and "Help". Toolbar 150 may also include a graphical presentation such as an advertisement. Toolbar 150 may also include sponsored presentations such as advertising banners. ") but does not disclose that this advertisement is displayed while paying. However, in the field of same endeavor, "End-to-End

Enterprise Solution" discloses this feature (see page 1, "customers select their preferred payment method..... participate in surveys and be treated to targeted color display and banner ads...all the time it takes to process the customer's payment transaction..."). In view of "End-to-End Enterprise Solution", it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Ogasawara in view of Kraemer, as applied to claim 10, to incorporate the feature of displaying advertisement during the step of paying because the advertisements fills up the payment processing time, which is utilized to display targeted advertisements based upon the customer's profile and which is expected to increase the revenues and profits of the manufacturers of items for which the advertisements are displayed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,487,540 B1 to Smith et al. (see at least Abstract), US Publication 2003/0158819 A1 to Scott (see at least Abstract and Fig.8), and US Publication 2001/0023402 A1 to Flynn (see at least Abstract and Figs 1-3) teach and disclose generating electronic receipts, storing them and manipulating them.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yogesh C Garg Primary Examiner Art Unit 3625

YCG 12/10/2006